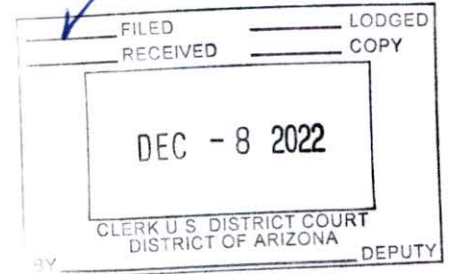


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13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF ARIZONA

15 United States of America,  
16  
17 Plaintiff,

18 vs.

19 Reynaldo Romero, Jr.,  
20  
21 Defendant.

CR **22-2657-JCH(BGM)**  
Mag. No. 22-07643M (BGM)

22 PLEA AGREEMENT

(Fast Track U.S.S.G. § 5K3.1)

23 The United States of America and the defendant agree to the following disposition  
24 of this matter:

25 PLEA

26 The defendant agrees to plead guilty to the Information charging the defendant with  
27 a violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i),  
28 Conspiracy to Transport Illegal Aliens for Profit, a felony.

ELEMENTS OF THE OFFENSE AND SENTENCING FACTOR

1. There was an agreement between two or more persons to commit the offense  
of transporting illegal aliens in violation of Title 8, United States Code, Section  
1324(a)(1)(A)(ii), that is, there was an agreement that all or some of the co-conspirators,  
knowing or in reckless disregard of the fact that aliens had come to, entered, or remained  
in the United States in violation of law, would knowingly transport such aliens within the  
United States by means of transportation or otherwise, in furtherance of such violation of  
law.

2. The defendant became a member of the conspiracy knowing that the object of the conspiracy was the transportation of illegal aliens and the defendant intended to accomplish said object for the purpose of private financial gain or commercial advantage.

### STIPULATIONS, TERMS AND AGREEMENTS

#### Maximum Penalties

A violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i) is punishable by a maximum fine of \$250,000.00, or a maximum term of imprisonment of ten (10) years, or both, plus a term of supervised release of three years and a special assessment of \$100; the special assessment is due and payable at the time the defendant enters the plea of guilty, and must be paid by the time of sentencing unless the defendant is indigent. If the defendant is indigent, the special assessment will be collected according to Title 18, United States Code, Chapters 227 and 229.

The defendant will pay upon conviction an additional \$5,000 special assessment pursuant to 18 U.S.C. § 3014(a), unless the Court determines that the defendant is indigent.

#### Agreements Regarding Sentence

1. Guideline Calculations: Although the parties understand that the Guidelines are only advisory and just one of the factors the Court will consider under 18 U.S.C. § 3553(a) in imposing a sentence, pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties stipulate and agree that the below guideline calculations are appropriate for the charge for which the defendant is pleading guilty:

Base Offense Level:	2L1.1(a)(3)	12
Number of Aliens:	2L1.1(b)(2)	+6
Unaccompanied Minor:	2L1.1(b)(4)	+4/0*
Acceptance of Responsibility:	3E1.1(a)&(b)	-3
Early Disposition/Government Savings:	5K3.1/5K2.0	-2
Total Adjusted Offense Level:		<u>17/13</u>

\*The parties dispute the application of the unaccompanied minor enhancement under U.S.S.G. § 2L1.1(b)(4) and reserve the issue for decision by the sentencing court. Each party will be free to argue its respective position at sentencing.



1           2(A). Sentencing Range (2L1.1(b)(4) Enhancement Applied): Should the Court  
 2 apply the enhancement under U.S.S.G. § 2L1.1(b)(4), pursuant to Fed. R. Crim. P.  
 3 11(c)(1)(C), the government and the defendant stipulate and agree that the following are  
 4 the applicable guideline ranges for the offense, based on the defendant's criminal history  
 5 category (CHC) at Adjusted Offense Level 17:

6           CHC I:       a sentencing range of 24-30 months' imprisonment.  
 7           CHC II:       a sentencing range of 27-33 months' imprisonment.  
 8           CHC III:      a sentencing range of 30-37 months' imprisonment.  
 9           CHC IV:      a sentencing range of 37-46 months' imprisonment.  
           CHC V:       a sentencing range of 46-57 months' imprisonment.  
           CHC VI:      a sentencing range of 51-63 months' imprisonment.

10          2(B). Sentencing Range (2L1.1(b)(4) Enhancement Not Applied): Should the Court  
 11 not apply the enhancement under U.S.S.G. § 2L1.1(b)(4), pursuant to Fed. R. Crim. P.  
 12 11(c)(1)(C), the government and the defendant stipulate and agree that the following are  
 13 the applicable guideline ranges for the offense, based on the defendant's criminal history  
 14 category (CHC) at Adjusted Offense Level 13:

15          CHC I:       a sentencing range of 12-18 months' imprisonment.  
 16          CHC II:       a sentencing range of 15-21 months' imprisonment.  
 17          CHC III:      a sentencing range of 18-24 months' imprisonment.  
 18          CHC IV:      a sentencing range of 24-30 months' imprisonment.  
           CHC V:       a sentencing range of 30-37 months' imprisonment.  
           CHC VI:      a sentencing range of 33-41 months' imprisonment.

19          3. The defendant may withdraw from the plea agreement if he/she receives a  
 20 sentence that exceeds the stipulated ranges listed above.

21          4. If the defendant moves for any adjustments in Chapters Two, Three or Four of  
 22 the Sentencing Guidelines or any "departures" from the Sentencing Guidelines, the  
 23 government may withdraw from this agreement. If the defendant argues for a variance  
 24 under 18 U.S.C. § 3553(a) in support of a sentence request below the stipulated range in  
 25 this agreement, the government may oppose the requested variance. The government,  
 26 however, will not withdraw from the agreement if the defendant argues for, and the Court  
 27 grants, a variance below the stipulated range in this agreement.  
 28

1           5. The parties agree that the defendant was an average participant in the offense for  
2 the purpose of role analysis under U.S.S.G. §§ 3B1.1 and 3B1.2.

3           6. If the Court, after reviewing this plea agreement, concludes any provision is  
4 inappropriate under Fed. R. Crim. P. 11(c)(5), it may reject the plea agreement, giving the  
5 defendant, in accordance with Fed. R. Crim. P. 11(d)(2)(A), an opportunity to withdraw  
6 the defendant's guilty plea.

7           7. The defendant recognizes that pleading guilty may have consequences with  
8 respect to his/her immigration status if defendant is not a citizen of the United States.  
9 Under federal law, a broad range of crimes are removable offenses, including the offense(s)  
10 to which defendant is pleading guilty. Removal and other immigration consequences may  
11 be the subject of a separate judicial or administrative proceeding, and the defendant has  
12 discussed the direct and collateral implications this plea agreement may have with his or  
13 her defense attorney. Defendant nevertheless affirms that he/she wants to plead guilty  
14 regardless of any immigration consequences that this plea may entail, even if the  
15 consequence is defendant's automatic removal from the United States.

16                           Forfeiture

17           Nothing in this plea agreement shall be construed to protect the defendant from civil  
18 forfeiture proceedings or prohibit the United States from proceeding with and/or initiating  
19 an action for civil forfeiture. Further, this agreement does not preclude the United States  
20 from instituting any civil proceedings as may be appropriate now or in the future.

21                           Plea Addendum

22           This written plea agreement, and any written addenda filed as attachments to this  
23 plea agreement, contained all the terms and conditions of the plea. Any additional  
24 agreements, if any such agreements exist, shall be recorded in a separate document and  
25 may be filed with the Court under seal. Accordingly, additional agreements, if any, may  
26 not be in the public record.



1                                    Waiver of Defenses and Appeal Rights

2            Provided the defendant receives a sentence not to exceed 63 months' imprisonment,  
3 the defendant waives any and all motions, defenses, probable cause determinations, and  
4 objections that the defendant could assert to the information or indictment, or to the petition  
5 to revoke, or to the Court's entry of judgment against the defendant and imposition of  
6 sentence upon the defendant providing the sentence is consistent with this agreement. The  
7 sentence is in accordance with this agreement if the sentence imposed is within the  
8 stipulated range or below the stipulated range if the Court grants a variance. The defendant  
9 further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2)  
10 any right to appeal the imposition of sentence upon defendant under 18 U.S.C. § 3742  
11 (sentence appeals); (3) any right to appeal the district court's refusal to grant a requested  
12 variance; (4) any right to collaterally attack defendant's conviction and sentence under 28  
13 U.S.C. § 2255, or any other collateral attack; and (5) any right to file a motion for  
14 modification of sentence, including under 18 U.S.C. § 3582(c) (except for the right to file  
15 a compassionate release motion under 18 U.S.C. § 3582(c)(1)(A) and to appeal the denial  
16 of such a motion). The defendant acknowledges that this waiver shall result in the dismissal  
17 of any appeal or collateral attack the defendant might file challenging his/her conviction or  
18 sentence in this case. If the defendant files a notice of appeal or a habeas petition,  
19 notwithstanding this agreement, defendant agrees that this case shall, upon motion of the  
20 government, be remanded to the district court to determine whether defendant is in breach  
21 of this agreement and, if so, to permit the government to withdraw from the plea agreement.  
22 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective  
23 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section  
24 II.B of Ariz. Ethics Op. 15-01 (2015)).

25                                    Reinstitution of Prosecution

26            Nothing in this agreement shall be construed to protect the defendant in any way  
27 from prosecution for perjury, false declaration or false statement, or any other offense  
28 committed by the defendant after the date of this agreement. In addition, if the defendant

1 commits any criminal offense between the date of this agreement and the date of  
2 sentencing, the government will have the right to withdraw from this agreement. Any  
3 information, statements, documents and evidence which the defendant provides to the  
4 United States pursuant to this agreement may be used against the defendant in all such  
5 proceedings.

6 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any  
7 court in a later proceeding, the government will be free to prosecute the defendant for all  
8 charges as to which it has knowledge, and any charges that have been dismissed because  
9 of this plea agreement will be automatically reinstated. In such event, the defendant waives  
10 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth  
11 Amendment to the Constitution as to the delay occasioned by the later proceedings.  
12 Defendant agrees that the stipulated sentencing ranges set forth under "Agreements  
13 Regarding Sentence" will not be offered if prosecution is re-instituted.

#### 14 Disclosure of Information to U.S. Probation Office

15 The defendant understands the government's obligation to provide all information  
16 in its file regarding defendant to the United States Probation Office. The defendant fully  
17 understands and agrees to cooperate fully with the United States Probation Office in  
18 providing all information requested by the probation officer.

#### 19 Effect on Other Proceedings

20 I further understand that if I violate any of the conditions of my supervised release,  
21 my supervised release may be revoked. Upon such revocation, notwithstanding any other  
22 provision of this agreement, I may be required to serve a term of imprisonment or my  
23 sentence may otherwise be altered.

#### 24 WAIVER OF DEFENDANT'S RIGHTS

25 I have read each of the provisions of the entire plea agreement with the assistance  
26 of counsel and understand its provisions. I have discussed the case and my constitutional  
27 and other rights with my attorney. I understand that by entering my plea of guilty I will be  
28 giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and



1 compel the attendance of witnesses; to present evidence in my defense; to remain silent  
2 and refuse to be a witnesses against myself by asserting my privilege against self-  
3 incrimination; all with the assistance of counsel, to be presumed innocent until proven  
4 guilty beyond a reasonable doubt, and to appeal. This waiver shall not be construed to bar  
5 an otherwise-preserved claim of ineffective assistance of counsel or of "prosecutorial  
6 misconduct."

7 I agree to enter my guilty plea as indicated above on the terms and conditions set  
8 forth in this agreement.

9 I have been advised by my attorney of the nature of the charge to which I am entering  
10 my guilty plea. I have further been advised by my attorney of the nature and range of the  
11 possible sentence.

12 My guilty plea is not the result of force, threats, assurance or promises other than  
13 the promises contained in this agreement. I agree to the provisions of this agreement as a  
14 voluntary act on my part, rather than at the direction of or because of the recommendation  
15 of any other person, and I agree to be bound according to its provisions.

16 I agree that this written plea agreement contains all the terms and conditions of my  
17 plea and that promises made by anyone (including my attorney) that are not contained  
18 within this written plea agreement are without force and effect and are null and void.

19 I am satisfied that my defense attorney has represented me in a competent manner.

20 I am not now on or under the influence of any drug, medication, liquor, or other  
21 intoxicant or depressant, which would impair my ability to fully understand the terms and  
22 conditions of this plea agreement.


23 FACTUAL BASIS AND SENTENCING FACTOR

24 I agree that the following facts accurately describe my conduct in connection with  
25 the offense to which I am pleading guilty and that if this matter were to proceed to trial the  
26 government could prove these facts beyond a reasonable doubt:  
27  
28

From a time unknown to on or about August 22, 2022 at or near Arivaca, in the District of Arizona, I, Reynaldo M. Romero Jr., knowingly conspired and agreed with other persons, known and unknown, to transport illegal aliens for profit. Specifically, on August 22, 2022, I was driving a 2011 Chevrolet Tahoe with nine illegal aliens in the vehicle, including Luis Arevalo-Hernandez and Fernando Jose Ixcot-Sop. Also amongst the nine passengers were two juvenile aliens. I knew the individuals I was transporting were illegal aliens and had not received prior authorization from the United States to come, enter, remain, or reside in the United States. I intended to assist the aliens in remaining in the United States unlawfully, and was going to be paid to transport them.

I have read this agreement or it has been read to me in Spanish, and I have carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it.

Date: 12.8.2022


  
Reynaldo Romero, Jr.  
Defendant

#### DEFENSE ATTORNEY'S APPROVAL

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea, including the defendant's waiver of the right to appeal. No assurances, promises, or representations have been given to me or to the defendant by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim. P.

I translated or caused to be translated this agreement from English into Spanish to the defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Date: 12/8/2022

  
Mark Evans, Esq.  
Attorney for Defendant



GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

GARY M. RESTAINO  
United States Attorney  
District of Arizona

**TANYA MILLER**

Digitally signed by TANYA  
MILLER  
Date: 2022.09.13 16:07:50 -07'00'

Date: \_\_\_\_\_

TANYA MILLER  
Assistant U.S. Attorney